

Application No.: 10,635,424

Docket No.: JCLA11962-R

REMARKS**I. Present Status of the Application**

The Office Action rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, Collier, IV et al. (US 5,260,126, hereinafter as Collier), and rejected claims 5 and 7 under 35 U.S.C. § 103(a) as obvious over Collier IV et al. in view of Romanek (US 4,446,189).

Upon entry of the amendments in this response, claims 1 and 4 are further amended and new claims 8-12 are added. Claim 1 is amended by incorporating a feature of claim 4 and more clearly defining the range of the ratio "Bd/Ad", while claim 4 is amended by deleting the feature added into claim 1. New claim 8 is different from the original claim 1 only in that the nonelastomeric fiber used is also a *long* (not short or chopped) fiber, which is supported by paragraph [0059] of the specification. New claim 11 is different from new claim 8 only in that a fabricating method of the elastic nonwoven fabric is incorporated, which is supported by paragraphs [0060]-[0063]. Applicants believe that the amendments do not introduce new matter. Reconsideration of claims 1-7 and consideration of new claims 8-12 are respectfully requested.

II. Response to Rejections of Claims 1-7

The Office Action rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, Collier, and rejected claims 5 and 7 under 35 U.S.C. § 103(a) as obvious over Collier in view of Romanek. Applicants respectfully traverse the rejections as applied to the amended claims for at least the reasons set forth below.

Application No.: 10,635,424

Docket No.: JCLA11962-R

For independent claim 1, the Office Action asserts in Page 2 that the claimed combination of fiber diameters ($Bd/Ad \geq 25/18$) would have been recognized in the art of Collier since nothing of record precludes it otherwise. *However, Applicants respectfully disagree with the assertion.* As described in col. 13, lines 51-54 of Collier, the nonelastic fibers used may be microfibers, or macrofibers having an average diameter of from about 300 microns to about 1,000 microns. Therefore, in Collier, when the elastomeric fibers are microfibers ($Bd = 5-40\mu m$) as in claim 1 of this invention, the nonelastomeric fiber (diameter= Ad) tends to be thicker than, or at least not thinner than, the elastomeric fiber (diameter= Bd), as normally understood by one skilled in the art. That is, the ratio Bd/Ad tends to be smaller than one or at most equal to one ($Bd/Ad \leq 1$) in Collier. Therefore, *the range of the ratio Bd/Ad ($\geq 25/18 \approx 1.38$) in claim 1 does not overlap with that in Collier.*

Moreover, the range of $Bd/Ad \geq 25/18$ adopted in this invention causes specific effects. For example, as described in paragraph [0067], by setting the average diameter (Ad) of the nonelastomeric fiber smaller than the average diameter (Bd) of the elastomeric fiber, blocking of the long elastomeric fibers can be inhibited even in a hot and humid season because the long fibers is maintained at a relatively low level. Since Collier mentions no (anti-)blocking issue, *one skilled in the art is not motivated to adjust the ratio Bd/Ad and improve the anti-blocking property in view of Collier.*

For at least the above reasons, Applicants respectfully submit that independent claim 1 and claims 2-4 and 6 dependent from claim 1 patently define over the prior art.

As for claims 5 and 7, Romanek also fails to teach or suggest the above feature ($Bd/Ad \geq 25/18$) of this invention.

Application No.: 10,635,424

Docket No.: JCLA11962-R

For at least the same reasons applied to independent claim 1 and the above reason, Applicants respectfully submit that claims 5 and 7 dependent from claim 1 also patently define over the prior art.

III. Discussions of New Claims 8-12

For new claims 8-10, one feature of the independent claim 8 is that the nonelastomeric fiber used is also a *long* fiber as mentioned in paragraph [0059]. Collier fails to teach or suggest this feature for the reasons set forth.

As Examiner asserts, the elastic nonwoven fabric of Collier does contain nonelastomeric microfibers, as described in col. 5, lines 1-56. However, in Collier, there provides no Example that practically fabricates such an elastic nonwoven fabric to test and demonstrate the effects of the same, while merely a *proposed* fabricating process is described in col. 13-15.

In Collier, according to the description in col. 13-15, the elastic nonwoven fabric is made by using the apparatus of FIG. 7, wherein a conventional picker roll 66 arrangement which has many teeth 68 that are adapted to separate a mat or batt 70 of nonelastic fibers into the individual nonelastic fibers 64. The mat or batt of fibers 70 which is fed to the picker roll 66 may be a sheet of *pulp fibers*, a mat of *staple fibers* or both a sheet of pulp fibers and a mat of staple fibers, as described in col. 13, lines 26-35. The sheets or mats 70 of nonelastic fibers 64 are fed to the picker roll 66 by a roller arrangement 72. After the teeth 68 of the picker roll 66 have separated the mat of nonelastic fibers 70 into separate nonelastic fibers 64 the individual nonelastic fibers 64 are conveyed toward the stream of elastic block copolymer fibers or microfibers 24 through a nozzle 74 as described in col. 13, lines 55-61.

Application No.: 10,635,424

Docket No.: JCLA11962-R

Accordingly, since the individual nonelastic fibers have to be conveyed toward the stream of elastic block copolymer fibers in Collier, the nonelastomeric fibers used have to be pulp fibers or staple fibers *but cannot be long fibers*. Therefore, Collier fails to teach or suggest, or even teach away, to include *long* nonelastomeric fibers in an elastic nonwoven fabric. In addition, Romanek also fails to teach or suggest the feature.

For at least the above reasons, Applicants respectfully submit that independent claim 8 and claims 9-10 dependent from claim 8 patently define over the prior art.

For new claims 11 and 12, one feature of the independent claim 11 is that the elastic nonwoven fabric is one spun by using the spinnerets *each* having a spinning hole for discharging elastomeric resin and another spinning hole for discharging nonelastomeric resin thereon, which is described in paragraphs [0060]-[0063]. However, as shown in Examples of Collier, each spinneret used in Collier has *only one type of hole* thereon for discharging either elastomeric resin or nonelastomeric resin. Since the fabricating process using the particular spinnerets cause the long elastomeric fibers and the long nonelastomeric fibers to be *mixed more uniformly*, as described in [0060]-[0063], the elastic nonwoven fabric product defined by process in new claim 11 is *structurally* different from and better than that of Collier. In addition, Romanek also fails to teach or suggest the feature.

For at least the above reasons, Applicants respectfully submit that independent claim 11 and claim 12 dependent from claim 11 patently define over the prior art.

Application No.: 10,635,424

Docket No.: JCLA11962-R

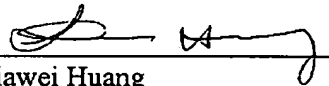
CONCLUSION

For at least the foregoing reasons, it is believed that claims 1-12 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date: 6/15/2005

4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761
Fax: (949)-660-0809

Respectfully submitted,
J.C. PATENTS


Jiawei Huang
Registration No. 43,330